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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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SEAN F. McAVOY, CLERK DEPUTY
SPOKANE, WASHINGTON

7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA,

2:20-CR-00084-RMP

11 Plaintiff,

SUPERSEDING INDICTMENT

12 v.

13 Vio: 21 U.S.C. § 841(a)(1), (b)(1)(C)
14 JAMES DANIEL BACON,
15 Distribution of Heroin
16 Defendant. (Count 1)

17 21 U.S.C. § 841(a)(1),
18 (b)(1)(B)(viii)
19 Distribution of 5 Grams or
20 More of Actual (Pure)
21 Methamphetamine (Count 2)

22 21 U.S.C. § 841(a)(1), (b)(1)(C)
23 Distribution of Heroin
24 (Count 3)

25 21 U.S.C. § 841(a)(1),
26 (b)(1)(A)(viii)
27 Distribution of 50 Grams or
28 More of Actual (Pure)
Methamphetamine (Count 4)

21 U.S.C. § 841(a)(1), (b)(1)(C)
Distribution of Heroin
(Count 5)

21 U.S.C. § 841(a)(1),
(b)(1)(A)(viii)
Possession with Intent to
Distribute 50 Grams or More of
Actual (Pure) Methamphetamine
(Count 6)

18 U.S.C. §§ 922(g)(1),
924(a)(2)
Felon in Possession of a Firearm
and Ammunition (Count 7)

18 U.S.C. §§ 842(i)(1),
844(a)(1)
Felon in Possession of
Explosive Material (Count 8)

21 U.S.C. § 853, 18 U.S.C.
§ 924(d)(1), 28 U.S.C. § 2461(c)
Forfeiture Allegations

The Grand Jury charges:

COUNT 1

On or about May 20, 2020, in the Eastern District of Washington, the Defendant, JAMES DANIEL BACON, knowingly and intentionally distributed a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

COUNT 2

On or about May 20, 2020, in the Eastern District of Washington, the Defendant, JAMES DANIEL BACON, knowingly and intentionally distributed a 5 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii).

COUNT 3

On or about June 3, 2020, in the Eastern District of Washington, the Defendant, JAMES DANIEL BACON, knowingly and intentionally distributed a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

COUNT 4

On or about July 8, 2020, in the Eastern District of Washington, the Defendant, JAMES DANIEL BACON, knowingly and intentionally distributed a 50 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 5

On or about July 8, 2020, in the Eastern District of Washington, the Defendant, JAMES DANIEL BACON, knowingly and intentionally distributed a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

COUNT 6

On or about July 22, 2020, in the Eastern District of Washington, the Defendant, JAMES DANIEL BACON, did knowingly and intentionally possess with the intent to distribute 50 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 7

On or about July 22, 2020, in the Eastern District of Washington, the Defendant, JAMES DANIEL BACON, knowing of his status as a person previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm and ammunition, to wit:

- 1 - a Smith & Wesson, model 640, .357 Magnum caliber revolver, bearing
- 2 serial number BSW5826;
- 3 - a Smith & Wesson, model 28, .357 Magnum caliber revolver, bearing
- 4 serial number N111835;
- 5 - a Sturm, Ruger, and Company (Ruger), model LCR, .38 Special +P
- 6 caliber revolver, bearing serial number 540-52545;
- 7 - a Webley and Scott, model Mark IV, .38 Smith & Wesson revolver,
- 8 bearing serial number 146710; and
- 9 - eighteen (18) rounds of Companhia Brasileria de Cartuchos (CBC), .300
- 10 Blackout caliber ammunition,

11 which firearms and ammunition had theretofore been transported in interstate
12 and/or foreign commerce, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2).

14 COUNT 8

15 On or about July 22, 2020, in the Eastern District of Washington, the
16 Defendant, JAMES DANIEL BACON, knowing of his status as a person
17 previously convicted of a crime punishable by imprisonment for a term exceeding
18 one year, did knowingly receive and possess explosive materials, to wit: plastic
19 explosives (C4); which had been shipped and transported in and affecting interstate
20 and foreign commerce, in violation of 18 U.S.C. §§ 842(i)(1), 844(a)(1).

21 NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

22 The allegations contained in this Superseding Indictment are hereby re-
23 alleged and incorporated by reference for the purpose of alleging forfeitures.

24 Pursuant to 21 U.S.C. § 853, upon conviction of an offense(s) in violation of
25 21 U.S.C. § 841 as set forth Counts 1 – 6 of this Superseding Indictment, the
26 Defendant, JAMES DANIEL BACON, shall forfeit to the United States of
27 America, any property constituting, or derived from, any proceeds obtained,
28 directly or indirectly, as the result of such offense(s) and any property used or

1 intended to be used, in any manner or part, to commit or to facilitate the
2 commission of the offense(s). The property to be forfeited includes, but is not
3 limited to:

4 **MONEY JUDGMENT**

5 A sum of money in the amount of \$3,540.00 in United States
6 currency, representing the amount of proceeds obtained by the
7 Defendant from the controlled substance violations

8 **U.S. CURRENCY**

9 \$5,551.00 U.S. Currency

10 If any of the property described above, as a result of any act or omission of
11 the Defendant:

- 12 a. cannot be located upon the exercise of due diligence;
- 13 b. has been transferred or sold to, or deposited with, a third party;
- 14 c. has been placed beyond the jurisdiction of the court;
- 15 d. has been substantially diminished in value; or
- 16 e. has been commingled with other property which cannot be divided
17 without difficulty,

18 the United States of America shall be entitled to forfeiture of substitute property
19 pursuant to 21 U.S.C. § 853(p).

20 Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), upon conviction
21 of an offense in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), as set forth in
22 Count 7 of the Superseding Indictment, Defendant, JAMES DANIEL BACON,
23 shall forfeit to the United States of America, any firearms and ammunition
24 involved or used in the commission of the offense. The assets to be forfeited
25 include, but are not limited to:

- 26 - a Smith & Wesson, model 640, .357 Magnum caliber revolver, bearing
27 serial number BSW5826;

- a Smith & Wesson, model 28, .357 Magnum caliber revolver, bearing serial number N111835;
- a Sturm, Ruger, and Company (Ruger), model LCR, .38 Special +P caliber revolver, bearing serial number 540-52545;
- a Webley and Scott, model Mark IV, .38 Smith & Wesson revolver, bearing serial number 146710;
- eighteen (18) rounds of Companhia Brasileria de Cartuchos (CBC), .300 Blackout caliber ammunition.

DATED this 19 day of August, 2020.

A TRUE BILL.

William D. Hyslop
United States Attorney

William D. Hyslop
United States Attorney

Patrick J. Cashman
Assistant United States Attorney